

5.2.2 The Board, at its first meeting, shall elect a Chairperson and vice-chairperson from its members. Such officers shall serve at the pleasure of the Board and in such capacities until the first meeting of the Board in 1996 at which time the Board shall elect new officers. Thereafter, the Board shall elect a Chairperson and vice-chairperson from its members at the first meeting of each calendar year. The Chairperson shall be responsible for presiding over meetings of the Board, and shall notify committee members of meetings of the Board. The Board shall establish a date, time and place for its regular meetings, and may hold special meetings when required for the proper transaction of business. All meetings of the Board shall be held in accordance with the provisions of the Brown Act, California Government Code §54950 et seq. The Board shall prescribe such procedures for the conduct of its business as it deems appropriate.

5.2.3 A quorum shall consist of sixty percent (60%) of the members of the Board, except that less than a quorum may adjourn meetings of the Board from time to time. Alternatively, the Chairperson may adjourn a meeting of the Board to a specified time, date and place if there is less than a quorum of members present for a meeting. Except for actions for which a different approval standard is set forth in this MOU, all actions of the Board shall be approved by a majority of the members present.

5.2.4 The Board shall have the following duties and responsibilities:

- a. Develop and implement the activities, including work schedule, designated to achieve the objectives of the Association as set forth in Section 2 of this MOU ,
- b. Monitor work activities of the Association.
- c. Establish such committees as may be necessary or desirable to carry out the purposes of the Association, and to exercise general supervision over such committees.

5.3 Staff; Employees: The Association shall have no employees, but may obtain staff and support services through the Parties.

5.4 New Parties: New Parties may join the Association, provided that they meet the requirements set forth in this Section 5.4.

5.4.1 Any local public agency, whose service area includes land located within the Basin, which is authorized to provide water service, flood control, groundwater quality management, or groundwater replenishment within its service area, and whose service includes all or a portion of the Basin, may

apply for membership in the Association.

- 5.4.2 A water corporation regulated by the California Public Utilities Commission or a mutual water company, whose service area includes land located within the Basin, which is authorized to provide water service within its service area, and whose service area includes all or a portion of the Basin, may apply for membership in the Association.
- 5.4.3 Application for membership shall be subject to approval by the Governing Bodies of the Parties; approval shall require the affirmative vote of the Governing Bodies of two-thirds (2/3) of the Parties. Each member sitting on the Board shall be responsible for placing on the agenda of his or her Governing Body the application for membership of any applying party once requested by the Board.
- 5.4.4 Any new Party to this Agreement shall, as a condition of admission to the Association, be required to first pay its proportionate share of back contributions, if any, as determined by the Board.

6. TECHNICAL COMMITTEE:

The Technical Committee may be composed of members of the participating member agencies, and will cause the preparation of a proposed draft groundwater management plan for the Basin.

7. ASSOCIATION COSTS:

7.1 Costs incurred by any Party in connection with any functions of the Association, or any committee established by the Board, and expenses of a Party's personnel including, without limitations, the regular and alternate members appointed by a party to any committee while performing such functions, shall not be reimbursed by the Association except upon approval of the Board.

8. FUNDING AND VOTING PERCENTAGES:

8.1 It is expected that the Parties will fund their own staff work, it is not anticipated that additional funding will be required. Any funding contribution by the Parties for the preparation of a draft groundwater management plan shall be approved by a unanimous vote of the Board members present.

8.2 **Voting Rights:** Each Party's representative on the Board shall be entitled to one vote.

8.3 **Modification by Party:** Funding percentages and/or voting percentages as indicated in Section 8.1 and 8.2 respectively, may be changed only upon the approval of the Governing Bodies of two-thirds (2/3) of the Parties

9. **RELATIONSHIP OF THE PARTICIPANTS:**

9.1 **Each Party's Action is Independent of the Other:** The obligation of each Party to make payments under the terms and provisions of this MOU is an individual and several obligation and not a joint obligation with those of the other Parties. Each Party shall be individually responsible for its own covenants, obligations and liabilities under this MOU. No Party shall be under the control of or shall be deemed to control any other Party or the Parties collectively. No Party shall be the agent of or have the right or power to bind any other Party without such Party's express written consent, except as expressly provided in this MOU.

9.2 **No Creation of a Joint Powers Agency:** The Parties agree that by this MOU they do not intend to provide for the creation of an agency or entity which is separate from the Parties pursuant to Chapter 5 (commencing with §6500) of Division 7 of Title 1 of the Government Code, relating to the joint exercise of powers.

10. TERM OF THIS MOU: The term of this MOU shall commence on _____
_____ and shall terminate on December 31, 1997.

Upon termination of this MOU, the Board shall determine the assets and liabilities of the Association; make every effort to satisfy all obligations within sixty (60) days of the termination of the MOU; and distribute the remaining fund balance equitably to each Party in proportion to each Party's funding contribution to the Association.

Any work following the development of a groundwater management plan, or beyond the scope of developing such a plan, shall be done, if at all, pursuant to a separate agreement, among the entities desiring to pursue such work.

11. GENERAL PROVISIONS GOVERNING MOU:

11.1 Invalidity of Any Term Not to Invalidate the Entire Memorandum: In the event that any of the terms, covenants or conditions of this MOU or the application of any such term, covenant or condition shall be held invalid as to any Party, person or circumstance by any court of competent jurisdiction, all other terms, covenants or conditions of this MOU and their application shall not be affected thereby, but shall remain in full force and effect unless any such court holds that those provisions are not separable from all other provisions of this MOU.

- 11.2 **Construction of Terms:** This MOU is for the sole benefit of the Parties and shall not be construed as granting rights to any person other than the Parties or imposing obligations on a Party to any person other than another Party.
- 11.3 **Good Faith:** Each Party should use its best efforts and work wholeheartedly and in good faith for the expeditious completion of the objectives of this MOU and the satisfactory performance of the terms and provisions contained herein.
- 11.4 **Withdrawal or Termination of Membership:** Except in the event of the termination of this MOU pursuant to Section 10, a party who withdraws or terminates its membership in the Association shall not be entitled to a refund of its funding contributions. Any Party may terminate membership and withdraw from this Association upon thirty (30) days written notice of termination to the Association. If a Party withdraws from the Association when the Party is in arrears as to its funding contributions to the Association, that Party's entitlement to use any groundwater model or other work product of the Association as provided for herein shall be determined by the Board.
- 11.5 **Amendment:** An amendment to this MOU must be approved by the affirmative vote of the Governing Bodies of two-thirds (2/3) of the Parties.
- 11.6 **Counterpart Execution:** This MOU may be executed in counterparts each of which shall be deemed an original but all of which together shall constitute one and

the same instrument.

11.7 **Governance:** This MOU is made under and shall be governed by the laws of the State of California.

11.8 **Reasonable Delivery of Documents:** Each Party agrees upon request by the Coordinator or by the Board, to make, execute and deliver any and all documents reasonably required to implement this MOU.

IN WITNESS WHEREOF, the Parties have caused this MOU to be executed, each signatory hereto represents that he has been appropriately authorized to enter into this MOU on behalf of the Party for whom he/she signs.

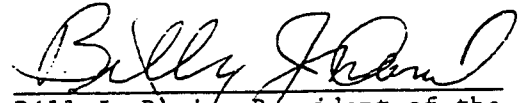
PASSED AND ADOPTED by the Board of Directors of the DELHI COUNTY WATER DISTRICT this 3 day of May, 1995 by the following vote:

AYES AND IF FAVOR THEREOF: Davis, Myers, Isley, Michalec, & Worsham

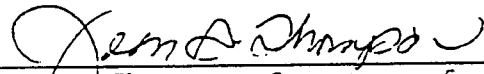
NOES: None

ABSENT: None

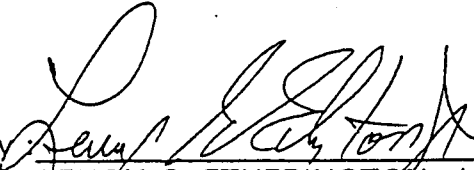
ABSTENTIONS: None


Bill J. Davis, President of the
Board of Directors of the Delhi
County Water District

ATTEST:


Jean A. Thompson, Secretary of
the Board of Directors of the
Delhi County Water District

CITY OF HUGHSON :


By: 
LENOX G. ETHERINGTON, Jr., City Manager

ATTEST :

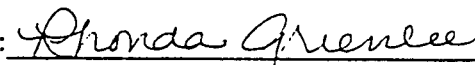

MARY JANE CANTRELL, CMC, City Clerk

Dated: JULY 26, 1995


CITY OF TURLOCK, a municipal
corporation

By: 
Steven H. Kyte, City Manager

ATTEST:

By: 
Rhonda Greenlee, City Clerk

APPROVED AS TO FORM:

By: 
Richard C. Burton, City Attorney

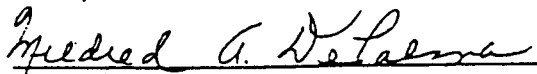
DENAIR COMMUNITY SERVICES DISTRICT

Under the authority of Resolution Number 95-4, adopted by the District's Board of Directors on October 10, 1995 by the following voted:

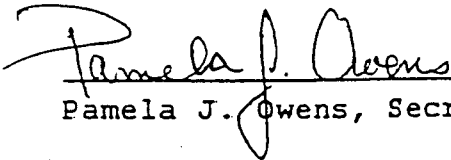
AYES: Directors DePalma; King; and Smith.

NOES: None

ABSENT: Director Gustafson; and Thompson.

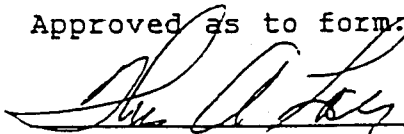


Mildred A. DePalma, Chairman



Pamela J. Owens, Secretary

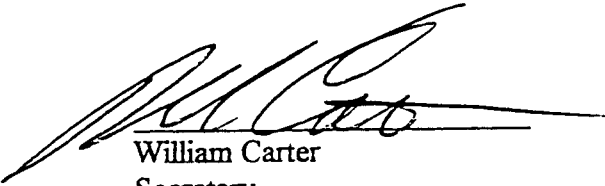
Approved as to form.



Thomas A. Lacey, Attorney

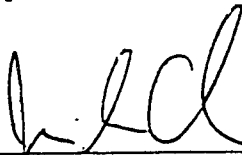
EASTSIDE WATER DISTRICT

Attest:



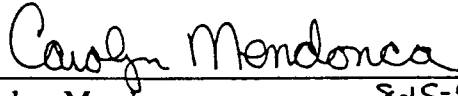
William Carter
Secretary

Approved:



James G. Crecelius
Chairman, Board of Directors

Approved by the Board
of Directors as attested
to by:



Carolyn Mendonca
Deputy Secretary,
Board of Directors

8-15-95



Paul D. Elias
General Manager

COUNTY OF MERCED

BY:

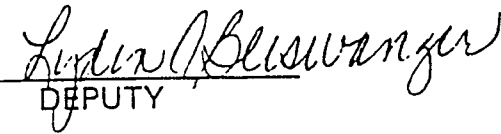


GERALD R. O'BANION OCT 3 3 1995

CHAIRMAN OF THE
BOARD OF SUPERVISORS

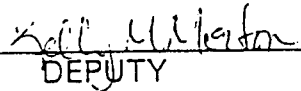
ATTEST:

BY:


DEPUTY

APPROVED AS TO FORM
DENNIS MYERS,
MERCED COUNTY COUNSEL

BY:

 9-21-95
DEPUTY

MEMORANDUM OF UNDERSTANDING
RELATING TO THE FORMATION AND OPERATION
OF THE TURLOCK GROUNDWATER BASIN ASSOCIATION
(Ceres signature page)

CITY OF CERES

Barbara Hinton
BARBARA HINTON, Mayor

ATTEST:

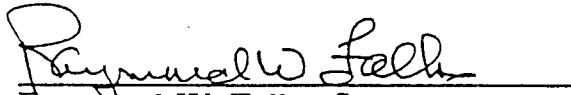
Karen Chauvet
KAREN CHAUVET, City Clerk

SEAL IMPRESSED

The undersigned, being the President of the Board of Directors and the Secretary respectively of the HILMAR COUNTY WATER DISTRICT, do hereby execute this document on this 12th day of September, 1995, on behalf of the HILMAR COUNTY WATER DISTRICT, a California Public Service District as authorize by Resolution No. 340 adopted by the Board of Directors on July 11, 1995.



David Anderson, President
of the Board of Directors
of Hilmar County District

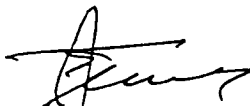


Raymond W. Falke, Secretary
of the Board of Directors of
the Hilmar County Water District


IN WITNESS WHEREOF, the parties hereto have hereunto executed this Memorandum of Understanding the day and year first above written.

Res. 95-475
9/26/95

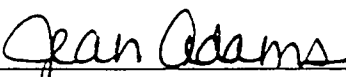
CITY OF MODEST, a charter city and
municipal corporation of the State of
California

By 
J. Edward Tewes, City Manager

APPROVED AS TO FORM:

By 
Michael D. Milich, City Attorney

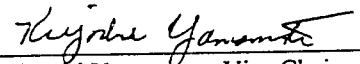
City Clerk, City of Modesto,
of the State of California

By 
JEAN ADAMS

(corporate seal

MEMORANDUM OF UNDERSTANDING
RELATING TO THE FORMATION AND OPERATION
OF THE TURLOCK GROUNDWATER BASIN ASSOCIATION

BALLICO-CORTEZ WATER DISTRICT

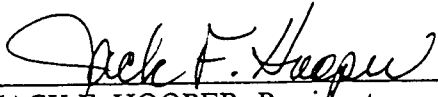

Kiyoshi Yamamoto, Vice Chairman

Attest:


Dirk Ulrich, Board member

**MEMORANDUM OF UNDERSTANDING
RELATING TO THE FORMATION AND OPERATION
OF THE TURLOCK GROUNDWATER BASIN ASSOCIATION
(Merced Irrigation District Signature Page)**

MERCED IRRIGATION DISTRICT


JACK F. HOOPER, President

ATTEST:


TIMOTHY L. PELLISSIER, Secretary

Appendix F

California Water Code Sections

§ 10709. Water replenishment districts; assessments

For purposes of groundwater management, a local agency authorized to establish programs for the management of groundwater resources pursuant to this part may, in addition to the powers set forth in this act, exercise any of the powers of a water replenishment district under Part 4 (commencing with Section 60220) of Division 18 and may levy a water replenishment assessment in accordance with Part 6 (commencing with Section 60300) of Division 18. *(Added by Stats.1987, c. 472, § 1.)*

§ 10710. Replenishment assessments and extraction rates; authorization election

Before a local agency may levy a water replenishment assessment as authorized in Section 10709 or may otherwise fix and collect rates for the extraction of groundwater pursuant to this part, the local agency shall hold an election on the proposition of whether or not the local agency shall be authorized to levy a water replenishment assessment or to fix and collect rates for the extraction of groundwater, and a majority of the votes cast at the election shall be in favor of the proposition. The election shall be conducted in the manner prescribed by the principal act of the local agency. *(Added by Stats.1987, c. 472, § 1.)*

§ 10711. Agency boundaries; other agencies authorized to provide water service

No local agency shall exercise the powers authorized by this part within the boundaries of another local agency authorized by law to provide water service to any or all of the lands within its boundaries, without the prior agreement of the governing body of that other local agency. *(Added by Stats.1987, c. 472, § 1.)*

§ 10712. Agency boundaries; other agencies providing water service

No local agency shall exercise the powers authorized by this part within the boundaries of another local agency providing water service to any or all of the lands within its boundaries, without the prior agreement of the governing body of that other local agency. *(Added by Stats.1987, c. 472, § 1.)*

§ 10713. Annexations

If a local agency annexes land subject to a groundwater management program of another local agency, the local agency annexing the land shall continue to comply with the groundwater management program for the annexed property. *(Added by Stats.1987, c. 472, § 1.)*

§ 10714. Other groundwater basins

This part neither preempts, negates, affects, nor infers the existence of any powers of a local agency in other groundwater basins of the state to establish programs for the management of groundwater resources. *(Added by Stats.1987, c. 472, § 1.)*

§ 10715. Other powers

This part is in addition to, and not a limitation on, any powers of a local agency otherwise granted by law. *(Added by Stats.1987, c. 472, § 1.)*

§ 10716. Treasurer's approval under other acts

This part does not exempt any local agency formed under any act requiring the approval of its leases, contracts, or issuance of securities by the Treasurer from obtaining the report, investigation, and approval of the Treasurer as required by that act or by the District Securities Investigation Law of 1965.¹ *(Added by Stats.1987, c. 472, § 1.)*

¹ Repealed. See, Government Code former § 58750 et seq.

§ 10717. Duration of authority

A local agency shall no longer be authorized to exercise the powers conferred by this part upon the completion and implementation of a municipal central water system supplying water to the inhabitants within the boundaries of the local agency. *(Added by Stats.1987, c. 472, § 1.)*

Part 2.75**GROUNDWATER MANAGEMENT**

| Chapter | Section |
|---------------------------------------|---------|
| 1. General Provisions | 10750 |
| 2. Definitions | 10752 |
| 3. Groundwater Management Plans | 10753 |
| 4. Finances | 10754 |

Chapter

5. Miscellaneous.....

Section

10755

CHAPTER 1. GENERAL PROVISIONS

| Section | | Section | |
|----------|---|-----------|--|
| 10750. | Legislative findings, declarations and intent. | | without agreement prohibited; application of section. |
| 10750.2. | Application of part. | 10750.8. | Management by local agencies within service area of another agency without agreement prohibited; application of section. |
| 10750.4. | Adoption of groundwater management plan or program not required. | 10750.9. | Groundwater management program; procedures to establish commenced prior to January 1, 1993; completion; amendment. |
| 10750.6. | Authority of local agencies or watermaster to manage groundwater not affected. | 10750.10. | Other powers. |
| 10750.7. | Management by local agencies within service area of another agency, water corporation or mutual water company | | |

§ 10750. Legislative findings, declarations and intent

The Legislature finds and declares that groundwater is a valuable natural resource in California, and should be managed to ensure both its safe production and its quality. It is the intent of the Legislature to encourage local agencies to work cooperatively to manage groundwater resources within their jurisdictions. (*Added by Stats.1992, c. 947 (A.B.3030), § 2.*)

§ 10750.2. Application of part

(a) Subject to subdivision (b), this part applies to all groundwater basins in the state.

(b) This part does not apply to any portion of a groundwater basin that is subject to groundwater management by a local agency or a watermaster pursuant to other provisions of law or a court order, judgment, or decree, unless the local agency or watermaster agrees to the application of this part. (*Added by Stats.1992, c. 947 (A.B.3030), § 2.*)

§ 10750.4. Adoption of groundwater management plan or program not required

Nothing in this part requires a local agency overlying a groundwater basin to adopt or implement a groundwater management plan or groundwater management program pursuant to this part. (*Added by Stats.1992, c. 947 (A.B.3030), § 2.*)

§ 10750.6. Authority of local agencies or watermaster to manage groundwater not affected

Nothing in this part affects the authority of a local agency or a watermaster to manage groundwater pursuant to other provisions of law or a court order, judgment, or decree. (*Added by Stats.1992, c. 947 (A.B.3030), § 2.*)

§ 10750.7. Management by local agencies within service area of another agency, water corporation or mutual water company without agreement prohibited; application of section

(a) A local agency may not manage groundwater pursuant to this part within the service area of another local agency, a water corporation regulated by the Public Utilities Commission, or a mutual water company without the agreement of that other entity.

(b) This section applies only to groundwater basins that are not critically overdrafted. (*Added by Stats.1992, c. 947 (A.B.3030), § 2.*)

§ 10750.8. Management by local agencies within service area of another agency without agreement prohibited; application of section

(a) A local agency may not manage groundwater pursuant to this part within the service area of another local agency without the agreement of that other entity.

(b) This section applies only to groundwater basins that are critically overdrafted. (*Added by Stats.1992, c. 947 (A.B.3030), § 2.*)

§ 10750.9. Groundwater management program; procedures to establish commenced prior to January 1, 1993; completion; amendment

(a) A local agency that commences procedures, prior to January 1, 1993, to adopt an ordinance or resolution to establish a program for the management of groundwater pursuant to Part 2.75 (commencing with Section 10750), as added by Chapter 903 of the Statutes of 1991, may proceed to adopt the ordinance

or resolution pursuant to * * * Part 2.75, and the completion of those procedures is deemed to meet the requirements of this part.

(b) A local agency that has adopted an ordinance or resolution pursuant to Part 2.75 (commencing with Section 10750), as added by Chapter 903 of the Statutes of 1991, may amend its groundwater management program by ordinance or resolution of the governing body of the local agency to include any of the plan components set forth in Section 10753.7. (Added by Stats.1992, c. 947 (A.B.3030), § 2. Amended by Stats.1993, c. 320 (A.B.1152), § 1.)

§ 10750.10. Other powers

This part is in addition to, and not a limitation on, the authority granted to a local agency pursuant to other provisions of law. (Added by Stats.1992, c. 947 (A.B.3030), § 2.)

CHAPTER 2. DEFINITIONS

Section

10752. Definitions.

§ 10752. Definitions

Unless the context otherwise requires, the following definitions govern the construction of this part:

(a) "Groundwater" means all water beneath the surface of the earth within the zone below the water table in which the soil is completely saturated with water, but does not include water which flows in known and definite channels.

(b) "Groundwater basin" means any basin identified in the department's Bulletin No. 118, dated September 1975, and any amendments to that bulletin, but does not include a basin in which the average well yield is less than 100 gallons per minute.

(c) "Groundwater extraction facility" means any device or method for the extraction of groundwater within a groundwater basin.

(d) "Groundwater management plan" or "plan" means a document that describes the activities intended to be included in a groundwater management program.

(e) "Groundwater management program" or "program" means a coordinated and ongoing activity undertaken for the benefit of a groundwater basin, or a portion of a groundwater basin, pursuant to a groundwater management plan adopted pursuant to this part.

(f) "Groundwater recharge" means the augmentation of groundwater, by natural or artificial means, with surface water or recycled water.

(g) "Local agency" means any local public agency that provides water service to all or a portion of its service area, and includes a joint powers authority formed by local public agencies that provide water service.

(h) "Recharge area" means the area that supplies water to an aquifer in a groundwater basin and includes multiple wellhead protection areas.

(i) "Watermaster" means a watermaster appointed by a court or pursuant to other provisions of law.

(j) "Wellhead protection area" means the surface and subsurface area surrounding a water well or well field that supplies a public water system through which contaminants are reasonably likely to migrate toward the water well or well field. (Added by Stats.1992, c. 947 (A.B.3030), § 2. Amended by Stats.1993, c. 320 (A.B.1152), § 2.)

CHAPTER 3. GROUNDWATER MANAGEMENT PLANS

Section

- 10753. Adoption or implementation of plan.
- 10753.2. Hearing; notice; resolution of intention to adopt plan.
- 10753.3. Publication of resolution of intention.
- 10753.4. Preparation of plan; adoption; expiration of resolution of intention.
- 10753.5. Second hearing; notice; protests to adoption of plan.

Section

- 10753.6. Written protest; contents; majority protest.
- 10753.7. Plan components.
- 10753.8. Rules and regulations to implement and enforce plan.
- 10753.9. Potential impact of rules and regulations on business activities; consideration.

§ 10753. Adoption or implementation of plan

(a) Any local agency, whose service area includes a groundwater basin, or a portion of a groundwater basin, that is not subject to groundwater management pursuant to other provisions of law or a court order,

judgment, or decree, may, by ordinance, or by resolution if the local agency is not authorized to act by ordinance, adopt and implement a groundwater management plan pursuant to this part within all or a portion of its service area.

(b) Notwithstanding subdivision (a), a local public agency, other than an agency defined in subdivision (g) of Section 10752, that provides flood control, groundwater management, or groundwater replenishment, or a local agency formed pursuant to this code for the principal purpose of providing water service that has not yet provided that service, may exercise the authority of this part within a groundwater basin * * * that is located within its boundaries within areas that are either of the following:

(1) * * * Not served by a local agency.

(2) * * * Served by a local * * * agency * * * whose governing body, by a majority vote, declines to exercise the authority of this part and enters into an agreement with the local public agency pursuant to Section 10750.7 or 10750.8. (Added by Stats.1992, c. 947 (A.B.3030), § 2. Amended by Stats.1993, c. 320 (A.B.1152), § 3.)

§ 10753.2. Hearing; notice; resolution of intention to adopt plan

(a) Prior to adopting a resolution of intention to draft a groundwater management plan, a local agency shall hold a hearing, after publication of notice pursuant to Section 6066 of the Government Code, on whether or not to adopt a resolution of intention to draft a groundwater management plan pursuant to this part for the purposes of implementing the plan and establishing a groundwater management program.

(b) At the conclusion of the hearing, the local agency may draft a resolution of intention to adopt a groundwater management plan pursuant to this part for the purposes of implementing the plan and establishing a groundwater management program. (Added by Stats.1992, c. 947 (A.B.3030), § 2.)

§ 10753.3. Publication of resolution of intention

(a) After the conclusion of the hearing, and if the local agency adopts a resolution of intention, the local agency shall publish the resolution of intention in the same manner that notice for the hearing held under Section 10753.2 was published.

(b) Upon written request, the local agency shall provide any interested person with a copy of the resolution of intention. (Added by Stats.1992, c. 947 (A.B.3030), § 2.)

§ 10753.4. Preparation of plan; adoption; expiration of resolution of intention

The local agency shall prepare a groundwater management plan within two years of the date of the adoption of the resolution of intention. If the plan is not adopted within two years, the resolution of intention expires, and no plan may be adopted except pursuant to a new resolution of intention adopted in accordance with this chapter. (Added by Stats.1992, c. 947 (A.B.3030), § 2.)

§ 10753.5. Second hearing; notice; protests to adoption of plan

(a) After a groundwater management plan is prepared, the local agency shall hold a second hearing to determine whether to adopt the plan. Notice of the hearing shall be given pursuant to Section 6066 of the Government Code. The notice shall include a summary of the plan and shall state that copies of the plan may be obtained for the cost of reproduction at the office of the local agency.

(b) At the second hearing, the local agency shall consider protests to the adoption of the plan. At any time prior to the conclusion of the second hearing, any landowner within the local agency may file a written protest or withdraw a protest previously filed. (Added by Stats.1992, c. 947 (A.B.3030), § 2.)

§ 10753.6. Written protest; contents; majority protest

(a) A written protest filed by a landowner shall include the landowner's signature and a description of the land owned sufficient to identify the land. A public agency owning land is deemed to be a landowner for the purpose of making a written protest.

(b) The secretary of the local agency shall compare the names and property descriptions on the protest against the property ownership records of the county assessors.

(c) (1) A majority protest shall be determined to exist if the governing board of the local agency finds that the protests filed and not withdrawn prior to the conclusion of the second hearing represent more than 50 percent of the assessed value of the land within the local agency subject to groundwater management pursuant to this part.

(2) If the local agency determines that a majority protest exists, the groundwater plan may not be adopted and the local agency shall not consider adopting a plan for the area proposed to be included within the program for a period of one year after the date of the second hearing.

(3) If a majority protest has not been filed, the local agency, within 35 days after the conclusion of the second hearing, may adopt the groundwater management plan. (*Added by Stats.1992, c. 947 (A.B.3030), § 2.*)

§ 10753.7. Plan components

A groundwater management plan may include components relating to all of the following:

- (a) The control of saline water intrusion.
- (b) Identification and management of wellhead protection areas and recharge areas.
- (c) Regulation of the migration of contaminated groundwater.
- (d) The administration of a well abandonment and well destruction program.
- (e) Mitigation of conditions of overdraft.
- (f) Replenishment of groundwater extracted by water producers.
- (g) Monitoring of groundwater levels and storage.
- (h) Facilitating conjunctive use operations.
- (i) Identification of well construction policies.
- (j) The construction and operation by the local agency of groundwater contamination cleanup, recharge, storage, conservation, water recycling, and extraction projects.
- (k) The development of relationships with state and federal regulatory agencies.
- (l) The review of land use plans and coordination with land use planning agencies to assess activities which create a reasonable risk of groundwater contamination. (*Added by Stats.1992, c. 947 (A.B.3030), § 2.*)

§ 10753.8. Rules and regulations to implement and enforce plan

(a) A local agency shall adopt rules and regulations to implement and enforce a groundwater management plan adopted pursuant to this part.

(b) Nothing in this part shall be construed as authorizing the local agency to make a binding determination of the water rights of any person or entity.

(c) Nothing in this part shall be construed as authorizing the local agency to limit or suspend extractions unless the local agency has determined through study and investigation that groundwater replenishment programs or other alternative sources of water supply have proved insufficient or infeasible to lessen the demand for groundwater. (*Added by Stats.1992, c. 947 (A.B.3030), § 2.*)

§ 10753.9. Potential impact of rules and regulations on business activities; consideration

In adopting rules and regulations pursuant to Section 10753.8, the local agency shall consider the potential impact of those rules and regulations on business activities, including agricultural operations, and to the extent practicable and consistent with the protection of the groundwater resources, minimize any adverse impacts on those business activities. (*Added by Stats.1992, c. 947 (A.B.3030), § 2.*)

CHAPTER 4. FINANCES

| Section | | Section | |
|----------|--|----------|--|
| 10754. | Local agencies; water replenishment district powers; fees and assessments. | | ment of costs; remediation program excluded. |
| 10754.2. | Annual fees and assessments based on amount of groundwater extracted; pay- | 10754.3. | Elections to authorize assessments or fees. |

§ 10754. Local agencies; water replenishment district powers; fees and assessments

For purposes of groundwater management, a local agency that adopts a groundwater management plan pursuant to this part has the authority of a water replenishment district pursuant to Part 4 (commencing with Section 60220) of Division 18 and may fix and collect fees and assessments for groundwater management in accordance with Part 6 (commencing with Section 60300) of Division 18. (*Added by Stats.1992, c. 947 (A.B.3030), § 2.*)

§ 10754.2. Annual fees and assessments based on amount of groundwater extracted; payment of costs; remediation program excluded

(a) Subject to Section 10754.3, except as specified in subdivision (b), a local agency that adopts a groundwater management plan pursuant to this part, may impose equitable annual fees and assessments for groundwater management based on the amount of groundwater extracted from the groundwater basin

within the area included in the groundwater management plan to pay for costs incurred by the local agency for groundwater management, including, but not limited to, the costs associated with the acquisition of replenishment water, administrative and operating costs, and costs of construction of capital facilities necessary to implement the groundwater management plan.

(b) The local agency may not impose fees or assessments on the extraction and replacement of groundwater pursuant to a groundwater remediation program required by other provisions of law or a groundwater storage contract with the local agency. (*Added by Stats.1992, c. 947 (A.B.3030), § 2. Amended by Stats.1993, c. 320 (A.B.1152), § 4.*)

§ 10754.3. Elections to authorize assessments or fees

Before a local agency may levy a water management assessment pursuant to Section 10754.2 or otherwise fix and collect fees for the replenishment or extraction of groundwater pursuant to this part, the local agency shall hold an election on the proposition of whether or not the local agency shall be authorized to levy a groundwater management assessment or fix and collect fees for the replenishment or extraction of groundwater. The local agency shall be so authorized if a majority of the votes cast at the election is in favor of the proposition. The election shall be conducted in the manner prescribed by the laws applicable to the local agency or, if there are no laws so applicable, then as prescribed by laws relating to local elections. The election shall be conducted only within the portion of the jurisdiction of the local agency subject to groundwater management pursuant to this part. (*Added by Stats.1992, c. 947 (A.B.3030), § 2.*)

CHAPTER 5. MISCELLANEOUS

| Section | | Section | |
|----------|--|----------|---|
| 10755. | Annexed land: compliance with plan. | | ers agreements; agreements with public entities or private parties. |
| 10755.2. | Coordinated plans for local agencies within same groundwater basin; joint powers | 10755.3. | Meetings to coordinate plans. |
| | | 10755.4. | Limitation on application of part. |

§ 10755. Annexed land; compliance with plan

(a) If a local agency annexes land subject to a groundwater management plan adopted pursuant to this part, the local agency annexing the land shall comply with the groundwater management plan for the annexed property.

(b) If a local agency subject to a groundwater management plan adopted pursuant to this part annexes land not subject to a groundwater management plan adopted pursuant to this part at the time of annexation, the annexed territory shall be subject to the groundwater management plan of the local agency annexing the land. (*Added by Stats.1992, c. 947 (A.B.3030), § 2.*)

§ 10755.2. Coordinated plans for local agencies within same groundwater basin; joint powers agreements; agreements with public entities or private parties

(a) It is the intent of the Legislature to encourage local agencies, within the same groundwater basin, that are authorized to adopt groundwater management plans pursuant to this part, to adopt and implement a coordinated groundwater management plan.

(b) For the purpose of adopting and implementing a coordinated groundwater management program pursuant to this part, a local agency may enter into a joint powers agreement pursuant to Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code with public agencies, or a memorandum of understanding with public or private entities providing water service.

(c) A local agency may enter into agreements with public entities or private parties for the purpose of implementing a coordinated groundwater management plan. (*Added by Stats.1992, c. 947 (A.B.3030), § 2. Amended by Stats.1993, c. 320 (A.B.1152), §5.*)

§ 10755.3. Meetings to coordinate plans

Local agencies within the same groundwater basin that conduct groundwater management programs within that basin pursuant to this part, and cities and counties that either manage groundwater pursuant to this part or have ordinances relating to groundwater within that basin, shall, at least annually, meet to coordinate those programs. (*Added by Stats.1992, c. 947 (A.B.3030), § 2. Amended by Stats.1995, c. 833 (S.B.1305), § 2.*)

§ 10755.4. Limitation on application of part

Except in those groundwater basins that are subject to critical conditions of groundwater overdraft, as identified in the department's Bulletin 118-80, revised on December 24, 1982, the requirements of a

groundwater management plan that is implemented pursuant to this part do not apply to the extraction of groundwater by means of a groundwater extraction facility that is used to provide water for domestic purposes to a single-unit residence and, if applicable, any dwelling unit authorized to be constructed pursuant to Section 65852.1 or 65852.2 of the Government Code. (*Added by Stats.1992, c. 947 (A.B.3030), § 2.*)

Part 2.8

AGRICULTURAL WATER MANAGEMENT PLANNING

| Chapter | Section |
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| 1. General Declarations and Policy | 10800 |
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Duration

Duration and operative effect of Part 2.8, see § 10855.

CHAPTER 1. GENERAL DECLARATIONS AND POLICY

| Section | Section |
|---|---|
| 10800. Short title. | 10802. Legislative findings and declarations: state policy. |
| 10801. Legislative findings and declarations. | |

Duration

Duration and operative effect of Part 2.8, see § 10855.

§ 10800. Short title

This part shall be known and may be cited as the Agricultural Water Management Planning Act. (*Added by Stats.1986, c. 954, § 1.*)

§ 10801. Legislative findings and declarations

The Legislature finds and declares as follows:

- (a) The waters of the state are a limited and renewable resource.
- (b) The Constitution requires that water in the state be used in a reasonable and beneficial way.
- (c) Urban water districts, which represent more than 22,000,000 Californians and use less than 12 percent of the water consumed in the state, are required by Part 2.6 (commencing with Section 10610) to submit water management plans.
- (d) More than 84 percent of the water used in the state is used for agricultural purposes.
- (e) The conservation of agricultural water supplies are of great statewide concern.
- (f) There is a great amount of reuse of delivered water, both inside and outside the water service areas.
- (g) Significant noncrop beneficial uses are associated with agricultural water use, including streamflows and wildlife habitat.
- (h) Significant opportunities exist in some areas, through improved irrigation water management, to conserve water or to reduce the quantity of highly saline or toxic drainage water.
- (i) Changes in water management practices shall be carefully planned and implemented to minimize adverse effects on other beneficial uses currently being served.
- (j) Agricultural water suppliers that receive water from the federal Central Valley Project are required by federal law to develop and implement water conservation plans.
- (k) Agricultural water users applying for a permit to appropriate water from the State Water Resources Control Board are required to develop and implement water conservation plans. (*Added by Stats.1986, c. 954, § 1.*)

§ 10802. Legislative findings and declarations; state policy

The Legislature finds and declares that it is the policy of the state as follows:

- (a) The conservation of water shall be pursued actively to protect both the people of the state and their water resources.

ballots upon which are printed the names of the candidates for office in said district. (*Added by Stats.1955, c. 1514, p. 2769, § 1.*)

§ 60213. Form of ballot

In counties in which districts are located the county clerk or registrar of voters is hereby given authority, and he hereby is authorized to have printed upon the official ballots provided for voters at elections for directors a heading in the same form as that provided by the Elections Code for nonpartisan officers, which heading shall be marked "Water Replenishment District," with a subheading "For a Member of the Board of Directors, Division (here inserting the number of the division)—Vote for One," and beneath which shall appear the names of the candidates for the office of member of the board for such division of the district, with the appropriate blank space for the writing in of the name of a candidate if desired by the voters, and with a voting square placed opposite the space. The ballots thus provided shall be furnished by the precinct officers only to those voters within their respective precincts who shall appear on the register as duly registered voters within that division of the district, and in precincts which lie partly within such district and partly without the precinct board shall be supplied with two kinds of ballots by said county clerk or registrar of voters, one of which shall contain the matters hereinabove set forth for the use of voters of such district, and the other of which shall be without such heading containing the names of candidates for the office of member of the board, and which shall be furnished to those voters who are not voters of the district and who are voters of the precinct. (*Added by Stats.1955, c. 1514, p. 2769, § 1.*)

§ 60214. Call and canvass of elections

The board shall call and canvass all elections involving matters of initiative and referendum and shall call all other elections which it is authorized to canvass. (*Added by Stats.1955, c. 1514, p. 2770, § 1.*)

§ 60215. Compensation of election officers; precincts and polling places; appointment of election officers

The governing body calling or conducting any election under the provisions of this act shall fix the compensation to be paid the officers of the election and shall designate the precincts and polling places for each division of the district and shall appoint the officers of such election, who shall consist of one inspector, one judge, and two clerks, unless, in case of consolidated elections, other officers of election are required by law. (*Added by Stats.1955, c. 1514, p. 2770, § 1.*)

§ 60216. Precincts

The voting precincts for any such election may be established and the boundaries thereof fixed and described by such governing body, or such voting precincts may consist of either the regular election precincts or portions thereof within the district established for holding state or county elections, or a consolidation of any or all of such regular election precincts or portions thereof last established. (*Added by Stats.1955, c. 1514, p. 2770, § 1.*)

§ 60217. Precincts, polling places, and election officers in consolidated election

If any district election is consolidated with any state or county election, then the voting precincts, polling places, and election officers for the district election shall be the same as those established for such state or county election. (*Added by Stats.1955, c. 1514, p. 2770, § 1.*)

Part 4

POWERS

| Chapter | Section |
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| 1. Purposes and Powers | 60220 |
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CHAPTER 1. PURPOSES AND POWERS

| Section | Section |
|---|--|
| 60220. Replenishment of ground water; acts necessary. | 60224. Protection and preservation of groundwater supplies. |
| 60221. Replenishment of ground water; powers. | 60225. Actions outside the district. |
| 60222. Protection of water and water rights. | 60226. District expenditures; recovery; fees and court costs; injunctive relief. |
| 60223. Beneficial use of water. | |

§ 60220. Replenishment of ground water; acts necessary

A district may do any act necessary to replenish the ground water of said district. (*Added by Stats.1955, c. 1514, p. 2770, § 1.*)

§ 60221. Replenishment of ground water; powers

Without being limited to the following enumerations, a district may, among other things but only for the purposes of replenishing the groundwater supplies within the district:

- (a) Buy and sell water;
- (b) Exchange water;
- (c) Distribute water to persons in exchange for ceasing or reducing ground water extractions;
- (d) Spread, sink and inject water into the underground;
- (e) Store, transport, recapture, recycle, purify, treat or otherwise manage and control water for the beneficial use of persons or property within the district.
- (f) Build the necessary works to achieve ground water replenishment. (*Added by Stats.1955, c. 1514, p. 2770, § 1. Amended by Stats.1995, c. 28 (A.B.1247), § 51.*)

§ 60222. Protection of water and water rights

A district may take any action necessary to protect or prevent interference with water, the quality thereof, or water rights of persons or property within the district, subject to the limitations contained in Section 60230. (*Added by Stats.1955, c. 1514, p. 2771, § 1.*)

§ 60223. Beneficial use of water

For the purposes of replenishing the ground water supplies within the district, a district may do any act in order to put to beneficial use any water under its control or management. (*Added by Stats.1955, c. 1514, p. 2771, § 1.*)

§ 60224. Protection and preservation of groundwater supplies

For the purpose of protecting and preserving the groundwater supplies within the district for beneficial uses, a district may take any action, within the district, including, but not limited to, capital expenditures and legal actions, which in the discretion of the board is necessary or desirable to accomplish any of the following:

- (a) Prevent contaminants from entering the groundwater supplies of the district, whether or not the threat is immediate.
- (b) Remove contaminants from the groundwater supplies of the district.
- (c) Determine the existence, extent, and location of contaminants in, or which may enter, the groundwater supplies of the district.
- (d) Determine persons, whether natural persons or public entities, responsible for those contaminants.
- (e) Perform or obtain engineering, hydrologic, and scientific studies for any of the foregoing purposes. (*Added by Stats.1990, c. 389 (S.B.2016), § 3.*)

§ 60225. Actions outside the district

A district may take any action outside the district, including, but not limited to, those set forth in Section 60224, provided the board finds both of the following:

- (a) The action is reasonably necessary to protect groundwater supplies within the district.
- (b) There is a direct, material relationship between the groundwater supply where the action is to be taken and the groundwater supply within the district. (*Added by Stats.1990, c. 389 (S.B.2016), § 4.*)

§ 60226. District expenditures; recovery; fees and court costs; injunctive relief

A district may sue and recover the amount of any district expenditures under Section 60224 from the person or persons responsible for the contaminants causing the expenditures. In proceeding under any state or federal law, a district may recover those expenses from responsible persons and governmental insurance funds. In any action the district, if successful, may recover reasonable attorney's fees and court costs, as determined by the court. The right or power to recover damages shall not be deemed an adequate remedy at law precluding use of injunctive relief under this section or any other provision of this division or any other statute. In any action for injunctive relief relating to contaminants, no bond shall be required of a district as a condition to granting a preliminary injunction. (*Added by Stats.1990, c. 389 (S.B.2016), § 4.5.*)

CHAPTER 2. POWERS

Section

60230. Corporate and political powers.

60231. Exercise of powers: facilities of existing agency.

Section

60232. Necessary acts.

§ 60230. Corporate and political powers

For the purposes of replenishing the groundwater supplies within the district, a district shall have power:

- (a) To have perpetual succession.
 - (b) To sue and be sued, except as otherwise provided * * * in this division or by law, in all actions and proceedings in all courts and tribunals.
 - (c) To adopt a seal and alter it at pleasure.
 - (d) To take by grant, purchase, gift, devise, or lease, to hold, use and enjoy, and to lease, convey or dispose of, real and personal property of every kind, within or without the district, necessary or convenient to the full exercise of its power.
 - (e) Within or outside of the district to construct, purchase, lease, or otherwise acquire, and to operate and maintain necessary waterworks and other works, machinery and facilities, canals, conduits, waters, water rights, spreading grounds, lands, rights and privileges useful or necessary to replenish the underground water basin within the district, or to augment the common water supplies of the district, including, but not limited to, the exercise of any power under Section 60224.
 - (f) For the common benefit of the district, to store water in underground water basins or reservoirs within or outside of the district, to appropriate and acquire water and water rights within or outside of the district, to import water into the district, and to conserve water within or outside of the district.
 - (g) To carry out the purposes of this division, to commence, maintain, intervene in, defend and compromise, in the name of the district, or otherwise, and to assume the costs and expenses of any and all actions and proceedings now or hereafter begun to determine or adjudicate all or a portion of the rights to divert, extract, or use waters within the district, or within any segments thereof or subbasins therein, as between owners of or claimants to those rights, to prevent any interference with water or water rights used or useful to the lands, inhabitants, owners, operators, or producers within the district, or to prevent the diminution of the quantity or quality of the water supply of the district, or to prevent unlawful exportation of water from the district.
 - (h) To exercise the right of eminent domain to take any property necessary to supply the district or any portion thereof with replenishment water, including, but not limited to, the exercise of any power under Section 60224, except that the right of eminent domain may not be exercised with respect to (1) water and water rights already devoted to beneficial use, and (2) property (other than water and water rights) already appropriated to public use unless the taking be for a more necessary public use than that to which the property is already appropriated; provided that the district in exercising that power shall in addition to the damage for taking, injuring, or destruction of property also pay the cost of removal, reconstruction, or relocation of any structure, including, but not limited to, railways, mains, pipes, conduits, wires, cables, towers, or poles of any public utility which is required to be removed to a new location. No use by a district of property owned, at the time the action to condemn is brought, by an existing agency having powers to provide for the replenishment of groundwater, shall constitute a more necessary public use than the use to which the property is already appropriated.
- A district shall not exercise the right of eminent domain to acquire property outside the boundaries of the principal county in which the district is situated unless it first obtains the consent thereto of the board of supervisors of the county in which the property is located.
- (i) To act jointly with or cooperate with the United States or any agency thereof, and * * * cooperate and act jointly with the * * * state, or any county or agency thereof, or any political subdivision or district therein, including flood control districts, public and private corporations, and any person, to the end that the purposes and activities of the district may be fully and economically performed.
 - (j) To cause assessments and charges to be levied as * * * provided in this division to accomplish the purposes of this division and to maintain such reserve funds for the future purchase of water for replenishment purposes as * * * may be authorized to be levied.
 - (k) To make contracts, * * * employ labor, and * * * do all acts necessary for the full exercise of the foregoing powers.
 - (l) To carry on technical and other investigations of all kinds, necessary to carry out the provisions of this division, and for this purpose the district shall have the right of access through its authorized representative to all properties within the district.

(m) To borrow money and incur indebtedness and to issue bonds or other evidences of that indebtedness; * * * to refund or retire any indebtedness or lien that may exist against the district or property thereof; * * * to issue warrants to pay the formation expenses of the district, which * * * may bear interest at a rate not exceeding 6 percent a year from the date of issue until funds are available to pay the warrants, and which formation expenses may include fees of attorneys and others employed to conduct the formation proceedings, but shall not include the expenses of holding and conducting the formation election.

(n) To cause taxes to be levied, in the manner * * * provided in this division, for the purpose of paying any obligation of the district, including its formation expenses and any warrants issued therefor.

(o) To fix the rates at which water shall be sold for replenishment purposes, and to establish different rates for different classes of service or conditions of service, provided the rates shall be uniform for like classes and conditions of service.

(p) To fix the terms and conditions of any contract under which producers may agree voluntarily to use replenishment water from a nontributary source in lieu of groundwater, and to that end a district may become a party to the contract and pay from district funds that portion of the cost of the replenishment waters as will encourage the purchase and use of that water in lieu of pumping so long as the persons or property within the district are directly or indirectly benefited by the resulting replenishment. (Added by Stats.1955, c. 1514, p. 2771, § 1. Amended by Stats.1961, c. 585, p. 1726, § 4; Stats.1975, c. 582, p. 1176, § 41; Stats.1990, c. 389 (S.B.2016), § 5.)

§ 60231. Exercise of powers; facilities of existing agency

The powers and duties herein enumerated shall, except as herein otherwise expressly provided, be exercised and performed by the board of the district. In the event an existing agency has facilities available and adequate to accomplish any part of the purposes of a district created under this act, the district shall investigate and determine the cost of contracting for the accomplishment of such purpose through such existing agency. Thereupon, the board shall make a finding as to whether or not the purpose proposed to be accomplished by the district can be achieved more economically and for the best interests of the area to be benefited by entering into such a contract with an existing agency. If the board finds that such contract is more economical and for the best interests of the area to be benefited, it shall so contract for the accomplishment of said purpose, if such agency so agrees. The purpose of this section is to avoid duplication of similar operations by existing agencies and replenishment districts. (Added by Stats.1955, c. 1514, p. 2773, § 1.)

§ 60232. Necessary acts

Each district has the power generally to perform all acts necessary to carry out fully the provisions of this act. (Added by Stats.1955, c. 1514, p. 2773, § 1.)

Part 5

FINANCES

| Chapter | Section |
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| 1. Depository | 60240 |
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CHAPTER 1. DEPOSITARY

| Section |
|--|
| 60240. Money; deposit, investment, and withdrawal. |

§ 60240. Money; deposit, investment, and withdrawal

Any money belonging to a district may be deposited or invested and drawn out as provided in Title 5, Division 2, Part 1, Chapter 4, Article 2 of the Government Code,¹ as now or hereafter amended. (Added by Stats.1955, c. 1514, p. 2773, § 1.)

¹ Government Code § 53630.

§ 60277. Canvass; declaration of result

The returns of such election shall be made, the votes canvassed by said board within seven days following said election, and the results thereof ascertained and declared in accordance with the provisions of the Elections Code, so far as they may be applicable, except as in this act otherwise provided. (*Added by Stats.1955, c. 1514, p. 2776, § 1.*)

§ 60278. Entry of result

The secretary of the board, as soon as the result is declared, shall enter in the records of such board a statement of such results. (*Added by Stats.1955, c. 1514, p. 2776, § 1.*)

§ 60279. Irregularities or informalities

No irregularities or informalities in conducting such election shall invalidate the same, if the election shall have otherwise been fairly conducted. (*Added by Stats.1955, c. 1514, p. 2776, § 1.*)

§ 60280. Actions to test validity; limitation

Any action or proceeding, wherein the validity of any such bonds or of the proceedings in relation thereto is contested, questioned or denied, shall be commenced within three months from the date of such election; otherwise, said bonds and all proceedings in relation thereto shall be held to be valid and in every respect legal and incontestable. (*Added by Stats.1955, c. 1514, p. 2776, § 1.*)

§ 60281. Favorable vote; provision for form, execution, and issuance; sale

If from such returns it appears that more than two-thirds of the votes cast at such election held pursuant to the provisions of this chapter were in favor of and assented to the incurring of such indebtedness, then the board may, by resolution, at such time or times as it deems proper, provide for the form and execution of such bonds and for issuance of any part thereof, and may sell or dispose of the bonds so issued at such times or in such manner, either for cash in lawful money of the United States or its equivalent, as it may deem to be to the public interest. (*Added by Stats.1955, c. 1514, p. 2776, § 1.*)

§ 60282. Force, value and use; tax exemption

Any bonds issued by any district are hereby given the same force, value and use as bonds issued by any city and shall be exempt from all taxation within the State of California. (*Added by Stats.1955, c. 1514, p. 2776, § 1.*)

Part 6

WATER REPLENISHMENT ASSESSMENT

| Chapter | Section |
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| 1. Survey | 60300 |
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CHAPTER 1. SURVEY

| Section | Section |
|---|---|
| 60300. Engineering survey and report; time; contents. | 60301. Statement of proposed action or alternate actions and estimated costs; inclusion in survey and report. |

§ 60300. Engineering survey and report; time; contents

Not later than the second Tuesday in February each year the board shall order an engineering survey and report to be made regarding the ground water supplies of the district. The same shall include, among all other information and data which the board may require, the following:

- (1) Records, data and other information for the consideration of the board in its determination of the annual overdraft;
- (2) Records, data and other information for the consideration of the board in its determination of the accumulated overdraft as of the last day of the preceding water year;
- (3) A report, with supporting data, as to the total production of ground water from the ground water supplies within the replenishment district during the preceding water year;

(4) A report, with supporting data, as to the changes during the preceding water year in the pressure levels or piezometric heights of the ground water contained within pressure-level areas of the replenishment district, and as to the effects thereof upon the ground water supplies within such replenishment district;

(5) An estimate of the annual overdraft for the current water year and for the ensuing water year;

(6) An estimate of the accumulated overdraft as of the last day of the current water year;

(7) An estimate of the total production of ground water from the ground water supplies within the replenishment district for the current water year and for the ensuing water year;

(8) An estimate of the changes during the current water year in the pressure levels or piezometric heights of the ground water contained within pressure-level areas of the replenishment district, and of the effects thereof upon the ground water supplies within such replenishment district;

(9) An estimate of the quantity, source, and cost of water available for replenishment of the ground water supplies during the ensuing water year under the provisions of Section 60315. (*Added by Stats.1955, c. 1514, p. 2776, § 1. Amended by Stats.1961, c. 585, p. 1729, § 5; Stats.1963, c. 309, p. 1085, § 5.*)

§ 60301. Statement of proposed action or alternate actions and estimated costs; inclusion in survey and report

If the district has received an engineering evaluation as to any matter within the powers of the district under Section 60224 and containing proposed action or alternate actions and estimated costs, including engineering and legal fees and expenses and district overhead, the board may, not later than the second Tuesday in February of each year, order the inclusion in the engineering survey and report referred to in Section 60300 of a statement of the proposed action or alternate actions and those estimated costs. (*Added by Stats.1990, c. 389 (S.B.2016), § 6.*)

CHAPTER 2. HEARINGS

| Section | Section |
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| 60305. Resolution to raise funds; manner of raising funds. | 60307. Hearing. |
| 60306. Replenishment assessment; notice of hearing. | 60308. Hearing officer. |
| | 60309. Evidence. |

§ 60305. Resolution to raise funds; manner of raising funds

On or before the second Tuesday in March of each year, and provided the survey and report called for by Section 60300 has been made, the board, by resolution, shall declare whether funds shall be raised to purchase water for replenishment during the next ensuing fiscal year and whether the funds shall be raised either by (a) a water charge, as provided in Chapter 2 (commencing with Section 60245) of Part 5 * * *, (b) a general assessment, as provided in Chapter 3 (commencing with Section 60250) of Part 5 * * *. (c) a replenishment assessment as provided in this chapter, or (d) a combination of any two or more * * * of the foregoing, and whether the funds so to be raised, whether by a water charge, a general assessment, a replenishment assessment or a combination of * * * those means, will benefit, directly or indirectly, all of the persons or real property and improvements within the district. The resolution shall also declare whether funds shall be raised to remove contaminants from groundwater supplies during the next ensuing fiscal year or to exercise any other power under Section 60224, and whether funds for that purpose shall be raised by a replenishment assessment as provided in this chapter, with a like statement of benefit. (*Added by Stats.1955, c. 1514, p. 2777, § 1. Amended by Stats.1990, c. 389 (S.B.2016), § 7.*)

§ 60306. Replenishment assessment; notice of hearing

If the board, by resolution, determines that all or a portion of the funds needed to purchase replenishment water, or to remove contaminants from the groundwater supplies of the district, or to exercise any other power under Section 60224, shall be raised by the levy of a replenishment assessment, then the board shall immediately publish a notice that a public hearing will be held on the second Tuesday of April for the purpose of determining whether and to what extent the estimated * * * costs thereof for the ensuing year shall be paid for by a replenishment assessment. The notice shall contain a copy of the board's resolution, the time and place of the hearing, and an invitation to all interested parties to attend and be heard in support of or opposition to the proposed assessment, the engineering survey and report, and the board's determination, and shall invite inspection of the engineering survey and report upon which the board acted. The notice shall be published in each affected county pursuant to Section 6061 of the Government Code, at least 10 days before the hearing date. (*Added by Stats.1955, c. 1514, p. 2778, § 1. Amended by Stats.1957, c. 357, p. 1058, § 211; Stats.1961, c. 585, p. 1729, § 6; Stats.1990, c. 389 (S.B.2016), § 8.*)

§ 60307. Hearing

Said hearing shall be held before the board and a quorum shall be present. The hearing may be adjourned from time to time by the president or presiding officer or hearing officer but shall be completed by the first Tuesday in May next following. (Added by Stats.1955, c. 1514, p. 2778, § 1.)

§ 60308. Hearing officer

The board may appoint a qualified registered engineer familiar with water problems as a hearing officer to conduct said hearing. (Added by Stats.1955, c. 1514, p. 2778, § 1.)

§ 60309. Evidence

All evidence relevant to the engineering survey and report and the board's determination that such a replenishment assessment shall be levied may be introduced. (Added by Stats.1955, c. 1514, p. 2778, § 1.)

CHAPTER 3. FINDINGS AND ORDER

| Section | | Section | |
|----------|--|---------|--|
| 60315. | Findings. | 60318. | Groundwater contamination; programs to remedy; exemption from replenishment assessment; resolution by board; rescission or modification. |
| 60316. | Determination. | | |
| 60317. | Levy on production of groundwater; payment by producers. | | |
| 60317.5. | Funds from replenishment assessments; uses. | | |

§ 60315. Findings

Upon completing the hearing, but no later than the second Tuesday in May, the board shall, by resolution, find the following:

- (a) The annual overdraft for the preceding water year.
- (b) The estimated annual overdraft for the current water year.
- (c) The estimated annual overdraft for the ensuing water year.
- (d) The accumulated overdraft as of the last day of the preceding water year.
- (e) The estimated accumulated overdraft as of the last day of the current water year.
- (f) The total production of groundwater from the groundwater supplies within the * * * district during the preceding water year.
- (g) The estimated total production of groundwater from the groundwater supplies within the * * * district for the current water year.
- (h) The estimated total production of groundwater from the groundwater supplies within the * * * district for the ensuing water year.
- (i) The changes during the preceding water year in the pressure levels or piezometric heights of the groundwater contained within pressure-level areas of the * * * district, and the effects thereof upon the groundwater supplies within * * * the district.
- (j) The estimated changes during the current water year in the pressure levels or piezometric heights of the groundwater contained within pressure-level areas of the * * * district, and the estimated effects thereof upon the groundwater supplies within * * * the district.
- (k) The quantity of water which should be purchased for the replenishment of the groundwater supplies of the * * * district during the ensuing water year.
- (l) The source and estimated cost of water available for the replenishment.
- (m) The estimated costs of replenishing * * * the groundwater supplies with the water so purchased.
- (n) The estimated costs of purchasing, in water years succeeding the ensuing water year, that portion of the quantity of water which should be purchased for the replenishment of the groundwater supplies of the * * * district during the ensuing water year, but which is estimated to be unavailable for purchase during the ensuing water year; * * * estimated costs shall be based on the estimated price of water for replenishment purposes during the ensuing water year.
- (o) The estimated rate of the replenishment assessment required to be levied upon the production of groundwater from the groundwater supplies within the * * * district during the ensuing fiscal year for the purposes of accomplishing the replenishment and providing a reserve fund to purchase in future years, when available, that portion of the quantity of water which should be purchased for the replenishment of the groundwater supplies of the * * * district during the ensuing water year, but which is estimated to be unavailable for purchase during that ensuing water year.

(p) Whether any contaminants should be removed from groundwater supplies during the ensuing fiscal year, and whether any other actions under Section 60224 should be undertaken during the ensuing fiscal year, the estimated costs thereof, and the estimated additional rate of replenishment assessment required to be levied upon the production of groundwater from the groundwater supplies within the district during the ensuing fiscal year for those purposes.

(q) Whether any program for removal of contaminants or other actions under Section 60224 should be a multiyear program or is a continuation of a previously authorized multiyear program. (Added by Stats.1955, c. 1514, p. 2778, § 1. Amended by Stats.1961, c. 585, p. 1730, § 7; Stats.1990, c. 389 (S.B.2016), § 9.)

§ 60316. Determination

Based on the findings pursuant to Section 60315, the board shall, by resolution, determine all of the following:

(a) What portion, if any, of the estimated cost of purchasing water for replenishment for the ensuing fiscal year shall be paid for by a replenishment assessment.

* * * (b) What portion, not exceeding 25 percent of the above portion, of the estimated cost of purchasing in the future that quantity of water which should be purchased during the ensuing water year, but which is estimated to be unavailable during that year, shall be raised by a replenishment assessment.

(c) What portion of the estimated costs of removing contaminants from groundwater supplies and of taking other actions under Section 60224 during the ensuing fiscal year shall be paid for by a replenishment assessment. (Added by Stats.1955, c. 1514, p. 2779, § 1. Amended by Stats.1961, c. 585, p. 1731, § 8; Stats.1990, c. 389 (S.B.2016), § 10.)

§ 60317. Levy on production of groundwater; payment by producers

If the board determines that a replenishment assessment shall be levied upon the production of groundwater from groundwater supplies within the * * * district during the ensuing fiscal year. * * * immediately following the making of that determination the board shall levy a replenishment assessment on the production of groundwater from the groundwater supplies within the * * * district during the fiscal year commencing on July 1st next, and the replenishment assessment shall be fixed by the board at a uniform rate per acre-foot of groundwater so produced. The producers of that groundwater shall pay the replenishment assessment to the * * * district at the times and in the manner * * * provided in this division. That part of the assessment levied pursuant to the determination provided in subdivision (c) of Section 60316, exclusive of any part thereof for district administrative and overhead expenses, shall not exceed 50 percent of the average assessment levied for the current and four preceding fiscal years pursuant to determinations under subdivisions (a) and (b) of Section 60316, exclusive of any part thereof for district administrative and overhead expenses. (Added by Stats.1955, c. 1514, p. 2779, § 1. Amended by Stats.1990, c. 389 (S.B.2016), § 11.)

§ 60317.5. Funds from replenishment assessments; uses

Except as set forth in this section, nothing in this division prevents the use of district funds from any source for powers and functions authorized under this division. That part of a replenishment assessment levied pursuant to determinations under subdivisions (a) and (b) of Section 60316 shall not be utilized for the direct costs of prevention and removal of contaminants under subdivisions (a) and (b) of Section 60224. Any part of a replenishment assessment levied pursuant to a determination under subdivision (c) of Section 60316 which is not expended may be obligated and expended for other uses authorized by Section 60224 after hearing and findings pursuant to Sections 60306 and 60315. Any part of a replenishment assessment levied pursuant to a determination under subdivision (c) of Section 60316 which remains unexpended and unobligated for five fiscal years after the last obligation thereof, or any shorter period which the board may by resolution determine, shall be deemed to have been levied for other costs and expenses for which a replenishment assessment is authorized under this division. Funds from a replenishment assessment, although restricted as to use, may be loaned for any use for which and within the monetary limits for which, such an assessment has been levied. Any such loan shall be for a period not longer than 18 months and shall bear interest, as nearly as practicable in the discretion of the board, at the rate which those funds might have otherwise been invested at the time of the loan. (Added by Stats.1990, c. 389 (S.B.2016), § 12.)

§ 60318. Groundwater contamination; programs to remedy; exemption from replenishment assessment; resolution by board; rescission or modification

If the board determines by resolution that there is a problem of groundwater contamination that a proposed program will remedy or ameliorate, an operator may make extractions of groundwater to remedy or ameliorate that problem exempt from any replenishment assessment if the water is not applied

to beneficial surface use, its extractions are made in compliance with all the terms and conditions of the board resolution, and the board has determined in the resolution either of the following:

(a) The groundwater to be extracted is unusable and cannot be economically blended for use with other water.

(b) The proposed program involves extraction of usable water in the same quantity as will be returned to the underground without degradation of quality.

The resolution may provide those terms and conditions the board deems appropriate, including, but not limited to, restrictions on the quantity of extractions to be so exempted, limitations on time, periodic reviews, requirement of submission of test results from a board-approved laboratory, and any other relevant terms or conditions. Upon written notice to the operator involved, the board may rescind or modify its resolution. The rescission or modification of the resolution shall apply to groundwater extractions occurring more than 10 days after the rescission or modification. Notice of rescission or modification shall be either mailed first-class mail, postage prepaid, at least two weeks prior to the meeting of the board at which the rescission or modification will be made to the address of record of the operator or personally delivered two weeks prior to the meeting. All board determinations shall be final. *(Added by Stats.1985, c. 537, § 1.)*

CHAPTER 4. COLLECTION OF ASSESSMENTS

| Section | | Section | |
|----------|--|----------|---|
| 60325. | Notice of levy; contents; mailing. | 60327. | Quarterly payments; computation of amount. |
| 60326. | Ground water production statement; filing; contents; additional reports. | 60327.1. | Groundwater production assessments: calculation: payments to Water Replenishment District of Southern California. |
| 60326.1. | Water Replenishment District of Southern California; groundwater production reports from water-producing facilities. | 60328. | Refunds. |
| | | 60329. | Quarterly payments: minimum. |

§ 60325. Notice of levy; contents; mailing

The district, after the levying of the replenishment assessment, shall give notice thereof to the operators of all water-producing facilities in the district as disclosed by the records of such district, which notice shall state the rate of replenishment assessment for each acre-foot of ground water to be produced during the ensuing fiscal year. The notice may be sent by postal card or by other first-class mail with postage prepaid by the district. *(Added by Stats.1955, c. 1514, p. 2779, § 1.)*

§ 60326. Ground water production statement; filing; contents; additional reports

The operator of each water-producing facility within the district, on or before the last day of the month immediately following the respective quarterly periods ending March 31st, June 30th, September 30th, and December 31st of each year, shall file with the district a sworn statement setting forth the total production in acre-feet of ground water from such water-producing facility during the respective quarterly periods immediately preceding the filing of the respective statements, a general description or number locating such water-producing facility, and the method or basis of the computation of such ground water production. Each statement also shall contain such other information as the district may require. The first such statement required to be filed after the formation of such district shall cover the first calendar quarter commencing not less than thirty (30) days after such formation.

If the board by its resolution determines that additional reports or statements are necessary or useful to carry out the purposes of this act and to administer the replenishment of the ground water supplies within the district, then the board shall by its resolution so declare and shall give notice of the adoption of said resolution by immediately publishing the same in each effected county pursuant to Section 6061 of the Government Code. Effective thirty (30) days after such publication, the operator of each water-producing facility in such district shall file with the district the report or statement required by such resolution, at such times and in such manner and form as are provided in such resolution. *(Added by Stats.1955, c. 1514, p. 2779, § 1. Amended by Stats.1961, c. 585, p. 1731, § 9.)*

§ 60326.1. Water Replenishment District of Southern California; groundwater production reports from water-producing facilities

Notwithstanding Section 60326, the operator of each water-producing facility in the Water Replenishment District of Southern California shall file with the district, by the last day of the month following the statement period, a sworn statement declaring all of the following:

(a) The facility's total groundwater production, measured in acre-feet, during the month preceding the filing of the statement.

- (b) A general description or number locating the facility.
- (c) The method used to compute the groundwater production.
- (d) Other information that the district may require. (*Added by Stats.1993, c. 52 (A.B.2235), § 1.*)

§ 60327. Quarterly payments; computation of amount

Any replenishment assessment levied pursuant to this act shall be due and payable to the district by each producer in quarterly installments on the last day for filing the statement of the production of ground water from the water-producing facility operated by such producer during the quarterly period required to be covered by such statement. The amount so due and payable shall be computed by multiplying the production in acre-feet of ground water so produced from such water-producing facility, as reported in such statement, by the rate of the replenishment assessment fixed and levied by the board of the district for the fiscal year in which such production shall occur. (*Added by Stats.1955, c. 1514, p. 2780, § 1.*)

§ 60327.1. Groundwater production assessments; calculation; payments to Water Replenishment District of Southern California

Notwithstanding Section 60327, each producer shall pay the Water Replenishment District of Southern California a replenishment assessment, imposed pursuant to this act, in monthly installments due on the last day for filing the groundwater production statement required by Section 60326.1. The assessment amount shall be computed by multiplying the facility's stated groundwater production, measured in acre-feet, by the replenishment assessment rate imposed by the district board for the fiscal year in which the production occurs. (*Added by Stats.1993, c. 52 (A.B.2235), § 2.*)

§ 60328. Refunds

The board shall authorize, and the district shall make, refunds in whole or in part of replenishment assessments theretofore paid, to any producer who has erroneously overstated his production of ground water in any sworn statement for a quarterly period required under the provisions of Section 60326, and who has overpaid his replenishment assessment for that quarter, but only upon compliance by the producer with the procedure hereinafter set forth and within the time hereinafter provided.

Any such producer, within one year of the last day for filing of the said sworn statement for the quarterly period in question, may file a verified application with the district on a form to be furnished by the district, containing such information as the district may require, requesting a refund of that portion of any replenishment assessment claimed to have been paid by reason of that producer's erroneous overstatement of ground water production. If incomplete information is contained in said application, or if the board desires other or further information then called for by that application, the same shall also be furnished by a verified statement within 30 days of mailing of written notice of request therefor to the producer at his address as shown by the district's records, or the application shall be deemed abandoned. Such request by the board shall not cause any application otherwise timely filed to be considered as not filed within said one-year period. The board may authorize, and the district may pay, any refund claimed without a hearing thereon, but no application shall be denied in whole or in part without a hearing being accorded to the applicant in which he shall have the burden of proof. Any determination by the board on any matter in connection with said application shall be final and conclusive upon the producer.

Any refund authorized to be paid under the provisions of this section may be paid only out of moneys realized from replenishment assessments levied pursuant to Section 60317, then or thereafter raised. Upon election of the producer, any refund determined by the board to be owing may be credited to the producer against any subsequent replenishment assessments which might become due and owing from him. No refunds shall be made except as authorized by this section. (*Added by Stats.1963, c. 253, p. 1014, § 1.*)

§ 60329. Quarterly payments; minimum

The board, by action uniformly applicable as to any quarter, and adopted prior to the commencement of the quarter, may provide that there shall not be due or payable any quarterly installment of less than three dollars (\$3) otherwise payable by a producer under Section 60327 with respect to production of groundwater from all water-producing facilities operated by the producer during the quarterly period. (*Added by Stats.1985, c. 536, § 4.*)

CHAPTER 5. PENALTIES AND EXEMPTIONS

Section
60335. Tardy payment; interest.
60336. Failure to register of file statement or other reports; penalty.

Section
60337. Exemption from statement of production retirements.

Section

60339. Injunctive relief; service of process; procedure.
 60340. Investigation and report; production limits; meters; determination of excess production; protest; hearing and determination; payment.

Section

60341. Delinquent assessments; action for collection; costs; penalties; attachment.
 60342. Meters.
 60343. Resolution suspending date for affixing a water-measuring device; publication; revocation; notice.

§ 60335. Tardy payment; interest

If any producer shall knowingly fail to pay a replenishment assessment within 30 days of when due, such producer shall become liable to the district for interest at the rate of 1 percent per month on the delinquent amount of the assessment. (*Added by Stats.1955, c. 1514, p. 2780, § 1. Amended by Stats.1961, c. 585, p. 1731, § 10.*)

§ 60336. Failure to register of file statement or other reports; penalty

Should any operator of a water-producing facility knowingly fail to register his water-producing facility or knowingly fail to file the ground water production statement, or knowingly fail to file and furnish any other reports or statements required by resolution of the board adopted pursuant to Section 60326, he shall, in addition to interest as provided in Section 60335, become liable to the district for a penalty of one hundred fifty dollars (\$150). (*Added by Stats.1955, c. 1514, p. 2780, § 1. Amended by Stats.1961, c. 585, p. 1732, § 11.*)

§ 60337. Exemption from statement of production retirements

The board, at the time of fixing the replenishment assessment rate, may provide by resolution that any producer operating a water-producing facility having a discharge opening not greater than two inches in diameter and providing ground water for domestic or irrigation uses on an area not exceeding one acre in extent, shall pay the amount fixed in such resolution as the replenishment assessment to be paid by such producer. No sworn statement as to the production of ground water from such water-producing facility need be filed. (*Added by Stats.1955, c. 1514, p. 2781, § 1.*)

§ 60339. Injunctive relief; service of process; procedure

(a) The superior court of the county in which the major portion of the district lies may issue a temporary restraining order upon the filing by the district with the court of a verified petition or complaint setting forth that the person named therein as defendant is the operator of a water-producing facility which has not been registered with the district or that the defendant is delinquent in the payment of a replenishment assessment. The temporary restraining order shall be returnable to the court on or before ten (10) days after its issuance.

(b) The court may issue and grant an injunction restraining and prohibiting the named defendant from the operation of any water-producing facility when it is established by the preponderance of the evidence at a hearing that the defendant has failed to register the water-producing facility with the district or that the defendant is delinquent in the payment of a replenishment assessment. The court may provide that the injunction so made and issued shall be stayed for a period not to exceed 10 * * * days to permit the defendant to register the water-producing facility or to pay the delinquent replenishment assessment.

(c) Service of process shall be made by posting a copy of the summons and complaint upon the water-producing facility or the parcel of land upon which the water-producing facility is located and by personal service of * * * summons and complaint upon the named defendant.

(d) The right to proceed for injunctive relief as provided * * * in this section shall be in addition to any other right which may be provided elsewhere in this act or which may be otherwise allowed by law. The procedure provided in * * * Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure regarding injunctions shall be followed except insofar as it may be otherwise provided * * * in this section. * * * (*Added by Stats.1955, c. 1514, p. 2781, § 1. Amended by Stats.1982, c. 517, p. 2431, § 408.*)

§ 60340. Investigation and report; production limits; meters; determination of excess production; protest; hearing and determination; payment

If the board of a district shall have probable cause to believe that the production of ground water from any water-producing facility is in excess of that disclosed by the sworn statements covering such water-producing facility, or if no statements are filed covering a water-producing facility, the board of such district may cause an investigation and report to be made concerning the production of ground water from such water-producing facility. The board of the district may fix the amount of ground water production from any such water-producing facility at an amount not to exceed the maximum production capacity of such water-producing facility; provided, however, where a water-measuring device is permanently

attached thereto, the record of production as disclosed by such water-measuring device shall be presumed to be accurate and the burden is upon the district to establish to the contrary.

After such determination has been made by the board of the district, a written notice thereof shall be mailed to the operator of such water-producing facility at his address as shown by the district's records. Any such determination made by the district shall be conclusive on the operator, and on any producer producing water from such water-producing facility, and the replenishment assessment based thereon, together with interest and penalties, shall be payable forthwith, unless such operator or producer shall file with the board of directors of the district within ten (10) days after the mailing of such notice a written protest setting forth the ground or grounds for protesting the amount of production so fixed or the replenishment assessment, interest, and penalties so levied thereon. Upon the filing of such protest, said board shall hold a hearing at which time the total amount of the ground water production and the replenishment assessment thereon shall be determined, and the interest and penalties fixed, which action shall be conclusive if based upon substantial evidence. A notice of such hearing shall be mailed to protestant at least 10 days before the date fixed for the hearing. Notice of the determination by the board shall be mailed to each protestant. The producer shall have 20 days from the date of mailing of such notice to pay the replenishment assessment, interest and penalties so fixed by the board. (*Added by Stats.1955, c. 1514, p. 2782, § 1.*)

§ 60341. Delinquent assessments; action for collection; costs; penalties; attachment

The district may bring a suit in the court having jurisdiction against any producer of ground water from the ground water supplies within the district for the collection of any delinquent replenishment assessment, interest, or penalties. The court having jurisdiction of the suit may, in addition to any judgment, award interest and costs on any judgment as allowed by law. Should the district seek an attachment against the property of any named defendant therein, the district shall not be required to furnish bond or other undertaking as provided in Part 2, Title 7, Chapter 4 of the Code of Civil Procedure.¹ (*Added by Stats.1955, c. 1514, p. 2782, § 1. Amended by Stats.1961, c. 585, p. 1732, § 12.*)

¹ Code of Civil Procedure § 537 et seq.

§ 60342. Meters

It shall be unlawful to produce groundwater from any water-producing facility within any district from and after one year following the adoption of the resolution provided for in Section 60305 hereof, unless such water-producing facility shall have a water-measuring device affixed thereto capable of registering the accumulated amount of groundwater produced therefrom.

The board by resolution may extend such date on a year-to-year basis upon its determination that availability, price of water-measuring devices, or other circumstances justify such extension. Should the date be extended, notice thereof shall be published in the district pursuant to Section 6066 of the Government Code, such publication to be completed not less than two months prior to the date so extended.

This section shall not be applicable to any operator of a water-producing facility having a discharge opening two inches or less in diameter and providing groundwater for domestic or irrigation uses on an area not exceeding one acre in extent, who is required to pay a replenishment assessment in an amount fixed by resolution of the board of the district as hereinabove in this act provided.

Violation of this section shall be punishable by a fine not to exceed one thousand dollars (\$1,000), or by imprisonment in the county jail for not to exceed six * * * months, or by both such fine and imprisonment. Each day of operation of a water-producing facility in violation hereof shall constitute a separate offense. (*Added by Stats.1955, c. 1514, p. 2783, § 1. Amended by Stats.1957, c. 357, p. 1059, § 212; Stats.1983, c. 1092, § 416, eff. Sept. 27, 1983, operative Jan. 1, 1984.*)

§ 60343. Resolution suspending date for affixing a water-measuring device; publication; revocation; notice

If another public entity, or public entities, or a watermaster, or watermasters, appointed in one or more court adjudications, or any combination of the foregoing (hereafter "other regulator or regulators") is monitoring by appropriate means the water production of substantially all water producers within the district, the board may, by resolution, indefinitely suspend the date for affixing a water-measuring device as referenced in Section 60342.

The suspension does not affect any requirements of any other regulator or regulators. The suspension may be revoked, and the date for affixing water measuring devices established, by further board resolution.

All resolutions adopted under this section shall be published in the district pursuant to Section 6006 of the Government Code. In the case of any revocation, the publication shall be completed not less than two

months prior to the operative date of the revocation. In the case of any revocation, notice of the operative date shall be given by first-class mail, postage prepaid, to operators at any address of record within the district within the time required for publication, but no defect in or failure to mail the notice to any operator affects the operative date of the revocation. (*Added by Stats.1985, c. 536, § 5.*)

CHAPTER 6. ADJUDICATION

Section

60350. Determination of natural safe yield; exemption from assessment of proportionate share of yield.

Section

60351. Property in waters distributed for replenishment purposes.

60352. Benefit of assessment.

§ 60350. Determination of natural safe yield; exemption from assessment of proportionate share of yield

Commencing with the third fiscal year following a final adjudication of all or substantially all of the rights to extract ground water and a determination of the natural safe yield of the ground water supplies within the district, and a determination of the amount or extent to which the rights to extract ground water so adjudicated may be exercised without exceeding the natural safe yield of such ground water supplies, the board of such district shall recognize such judicial determination by exempting from replenishment assessments the amount of water pumped by each person whose rights have been so adjudicated which does not exceed his proportionate share of the natural safe yield of the ground water supplies of the district, as so adjudicated from time to time by the court having jurisdiction over such adjudication proceeding. The replenishment assessment shall thenceforth be levied on each producer by multiplying the production in acre-feet of ground water so produced by such producer's water-producing facility in excess of his said adjudicated share of the natural safe yield by the rate of the replenishment assessment fixed and levied by the board for the fiscal year in which such production shall occur.

Upon such final adjudication, the board may, and within 90 days after receipt of a written notice from a producer shall, by resolution make a determination whether the adjudication will invoke the provisions of this section as of the beginning of the third fiscal year. Such determination is subject at any time to review de novo by any court of competent jurisdiction in any action for declaratory relief, or other appropriate action. (*Added by Stats.1955, c. 1514, p. 2783, § 1. Amended by Stats.1963, c. 253, p. 1015, § 3.*)

§ 60351. Property in waters distributed for replenishment purposes

To the extent that ground water supplies are replenished under this act no person shall acquire any property or other right in the waters distributed by the district for replenishment purposes. (*Added by Stats.1955, c. 1514, p. 2784, § 1.*)

§ 60352. Benefit of assessment

To the extent that the replenishment assessment after adjudication hereunder shifts from all producers to those who extract water in excess of their respective shares of the natural safe yield of the ground water supplies within the district as so adjudicated, such replenishment assessment shall be deemed to benefit those persons who continue to pump and extract ground water in excess of their adjudicated shares of the natural safe yield. Inasmuch as such persons must buy supplemental water or be in contempt of the court's order limiting their extraction of ground water, they shall be deemed to benefit by the payment of a replenishment assessment which is used to purchase water to supplement the natural supplies of ground water available for use. (*Added by Stats.1955, c. 1514, p. 2784, § 1.*)

Part 7

CHANGES IN ORGANIZATION

| Chapter | Section |
|--------------------------|---------|
| 1. Inclusion..... | 60370 |
| 2. Exclusion..... | 60400 |
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CHAPTER 1. INCLUSION

Section

60370. Territory which may be annexed.
60371. Petition; filing; signatures required.
60372. Petition; contents.

Section

60373. Petition; publication; notice of meeting.
60374. Petition; examination.

Appendix G

Powers Granted Under AB 3030

APPENDIX G - POWERS GRANTED UNDER AB 3030

A. Rules and Regulations

The local agency is authorized to adopt rules and regulations to implement and enforce the Groundwater Management Program. The local agency may not limit or suspend extractions unless the local agency has determined through study and investigation that groundwater replenishment programs or other alternative sources of water supply have proved insufficient or infeasible to lessen groundwater demand. In adopting the rules and regulations, the local agency must consider the potential impact of those rules and regulations on business activities, including agricultural operations.

In addition, to the extent practicable and consistent with groundwater resource protection, the local agency must minimize any adverse impacts on these business activities.

B. Financing

The local agency has the authority to levy and collect general groundwater replenishment assessments, as well as water extraction fees based on the amount of groundwater extracted from the aquifer (Water Code sections 10751 and 10760). These fees would pay for expenses incurred by the local agency for purposes of groundwater management including, but not limited to administrative expenses and real costs associated with the acquisition of replenishment water. These fees must be "ratified" by the majority vote in an election, according to the election rules applicable to the local agency.

C. Water Replenishment District

Pursuant to State Water Code sections 10750, et seq. (AB 3030) and conditioned upon the adoption of a Groundwater Management Plan, an agency may, in addition to those powers enumerated in AB 3030, also exercise many of the powers of a water replenishment district including, but are not limited to the following:

1. The local agency may do any act necessary to replenish the groundwater of the local agency. (Water Code sections 60220 and 60221) For example, the agency may, for the purpose of replenishing groundwater:
 - a. Buy and sell water;
 - b. Distribute water to persons in exchange for ceasing or reducing groundwater extractions;
 - c. Spread, sink and inject water into the underground;
 - d. Store, transport, capture, reclaim, purify, treat or otherwise manage and control water for the beneficial use of persons or property within the local agency; and
 - e. Build the necessary works to achieve groundwater replenishment.
2. The local agency may take any action to protect or prevent interference with water, its quality or water rights of persons or property within the local agency, subject to

limitations set forth in the Water Code. (Water Code section 60223)

3. The local agency may take any action necessary to put water under its control or management to beneficial use. (Water Code section 60223)
4. The local agency may take any action needed for and to preserve the water within the agency for beneficial uses based on water quality goals to prevent contaminants from entering the local agency's groundwater supplies, removing contaminants, locating and characterizing contaminants within the agency, identifying parties responsible for contamination of groundwater, and performing studies relative to the water quality goals. (Water Code section 60224)
5. The local agency may take any action needed outside the local agency, including those set forth in the Water Quality Provisions, if these actions are required to protect the local agency's groundwater supplies, and there is a direct, material relationship between the groundwater where the action is taken and the local agency's groundwater. (Water Code section 60225)
6. The local agency may sue to recover the amount of the agency's expenditures for groundwater quality protection from the parties responsible for the contamination. (Water Code section 60226)
7. The local agency is granted additional powers of a Replenishment District, which allow it, pursuant to Water Code section 60230, to:
 - a. Acquire and operate facilities, waters and rights needed to replenish the groundwater supplies;
 - b. Store water in groundwater basins, acquire water rights, import water into the local agency and conserve water;
 - c. Participate in legal proceedings as required to defend water rights, and water supplies, and to prevent unlawful exportation of water from the local agency;
 - d. Under certain conditions, to exercise the right of eminent domain;
 - e. Act jointly with other entities in order to economically perform required activities;
 - f. Carry out investigations required to implement programs;
 - g. Fix rates for water for replenishment purposes; and
 - h. Fix the terms and conditions of contracts for use of surface water in-lieu of groundwater.
8. The local agency must investigate the use of existing facilities of other agencies to carry out programs under the plan, and if economically feasible and in the best interest of the local agency, an attempt should be made to enter into a contract with the other agency for use of their facility. (Water Code section 60231)

Appendix H

Summary of the Merced County Wellhead Protection Program

Executive Summary

Background

Merced County government, recognizing the important of protecting its groundwater resource, applied for and received a grant from the U.S. Environmental Protection Agency to formulate a county-wide Wellhead Protection Program. After the EPA grant was approved, the Merced County Department of Public Health, Division of Environmental Health (DEH) selected Boyle Engineering Corporation (Boyle) to assist in preparing this most important program.

DEH staff worked closely with Boyle staff during the project to gather a great amount of data in basically two areas:

- Construction and location data of all existing public water system wells
- Miscellaneous information on actual and potential groundwater pollution sources throughout Merced County

The above data was summarized, tabulated, and plotted on U.S. Geological maps and on computer-based GIS mapping. This data provided the framework for the Wellhead Protection Program recommended in this report.

Report Organization

This report consists of the following documents:

- Report entitled, *Wellhead Protection Program*, dated April 1996.
- *Wellhead Protection Program, Appendix A (Large Water System Well Logs)*
- *Wellhead Protection Program, Appendix B (Small Water System Well Logs)*
- U.S. Geological maps of Merced County (showing public water system wells, potential pollution sources, and 10-year well capture zones).

The project report consists of four sections:

Section 1 presents detailed information on the project background and describes the project purpose. It describes the types and categories of public water systems that currently exist in Merced County. It explains how these water systems (and their wells) are being permitted involving the California Department of Health Services (DHS) and Merced County government. The section provides information on the protective Corcoran (E) clay layer in the county. All large public water systems regulated by DHS are individually described. Each well, based on construction, is classified as either vulnerable, less vulnerable, or not vulnerable. The same appraisal is made for all small groundwater systems and wells regulated by the DEH. The section also includes discussion on other wells such as private wells and agricultural irrigation wells. The concepts of "point pollution sources" versus

“nonpoint pollution sources” are explained. The existing Merced County Well Construction Ordinance is described as are city well ordinances and the State Water Well Standards.

Lastly, the section outlines EPA’s requirements for formulating wellhead protection programs and provides information on available EPA publications related to wellhead protection programs and their formulations. Section 1 includes tables that show the occurrence of the E-clay, the depth to the clay, and the approximate thickness of this clay at various locations throughout the county. The large public water systems regulated by DHS are listed along with the number of wells each system owns and operates. Well construction and equipping information is provided for each large and small water system well. The data described in Section 1 was plotted on the U.S. Geological maps and on GIS.

Section 2 explains in detail what information was collected by DEH staff for large and small water system wells and what additional well information should be collected in the future on agricultural and privately owned wells. The section lists the information that was collected on the following sources of potential groundwater contamination:

- Sewage treatment plants
- Unsewered areas on private sewage disposal systems
- Confined animal waste production sites
- Sanitary landfills
- Auto dismantlers/car wrecking sites
- Storm water ponding basins
- Users/generators of hazardous materials/wastes
- Leaking underground tanks
- Dry cleaners
- Hazardous waste spill areas
- Known groundwater contamination plumes
- Shallow groundwater control and dry wells
- Planned groundwater recharge areas

Section 2 contains tables that summarize the data collected from the above outlined list of existing premises in Merced County that either are or may be impacting groundwater quality.

The end of Section 2 contains a list of additional types of premises that should be targeted by DEH staff for data collection and evaluation in the future. The data described in Section 2 was plotted on the U.S. Geological maps and on GIS as to location.

Section 3 provides information on project area hydrology and wellhead protection zone estimation for each public water system well. Section 3 provides general concept information for estimating the length and width of 10-year well capture zones using prevailing groundwater flow direction, groundwater slope, groundwater velocity, well pumping capacity, well duty cycle, and other considerations such as water level drawdown.

The estimated well capture zones for each public water system well were plotted on the U.S. Geological maps and on GIS.

Section 4 outlines the recommended Wellhead Protection Program Plan for the existing and future public water system wells. Information on agencies that might provide assistance to DEH in implementing a WHPP are cited. Other jurisdictions that have formulated WHPPs are listed. Reasons why DEH should be declared as the "Responsible County WHPP Agency" are given. Public awareness program alternatives are discussed to gain understanding, support, and cooperation for WHP implementation. The recommended priority and approach for WHP are provided

- Priority One - Existing active wells not yet polluted
 - Vulnerable
 - Semi-vulnerable
 - Not vulnerable
- Priority Two - Existing active wells already polluted
- Priority Three - Existing nonactive wells not yet polluted
- Priority Four - Existing nonactive wells already polluted
- Future Wells - As being proposed

A recommended program is outlined for the protection of future wells. Contingency planning for well owners and DEH is discussed. Additional County regulations that might become necessary are discussed such as revising the County Well Ordinance and consolidating administration of all septic tank/leach field installations under DEH.

The tables in Section 4 pinpoint which wells should be protected first based on vulnerability due to construction and existing land use within their respective well capture zones.

Summary

The purpose of the Merced County WHPP is to protect future and existing groundwater sources that supply public drinking water systems. The Merced County WHPP consists of the following elements:

- Specifies roles and duties of federal, state, local agencies, and water utilities with respect to groundwater protection.
- The plan delineates the wellhead protection areas for each public water system well.
- Sources of contamination and potential contamination are identified.
- The plan has developed approaches to protect the water supplies within wellhead protection areas.
- The plan identifies contingency plans for each public water supply system to respond to well or well field contamination.

- The plan identifies criteria for siting new wells.
- The plan includes a public awareness component.

The plan specifically details the following information as it relates to the WHPP for Merced County.

Item #1: Roles and Responsibilities

The WHPP identifies the following agency responsibilities for wellhead protection:

Agency

State Department of Health Services
Division of Drinking Water and
Environmental Management

State Regional Water Quality Control
Board

State Department of Fish and Game

State Department of Toxic Substances
Control

State Department of Water Resources

Local Agencies

Public Water Systems Large (14)

Cities of Atwater, Dos Palos, Gustine,
Livingston, and Merced

Public Water Systems Small (117)

Irrigation/Drainage Districts (26)

Merced County Agricultural
Commissioner's Office

Merced County Environmental Health

Responsibility

Regulates public water systems over 200 connections.

Regulates wastewater treatment plants and animal
confinement facilities. Issues NPDES permits.

Responds to discharges into surface waters.

Issues permits to hazardous waste treatment facilities.

Develops minimum water well standards.

Provides safe drinking water to consumers. Regulates
discharges into the sanitary sewage systems.

Enforces the city water well ordinance.

Provides safe drinking water to consumers.

Provides surface and groundwater for irrigation of
farmlands

Permits application of pesticides.

Regulates small water systems.

Implements the county well ordinance. Permits all wells
in the unincorporated areas of the county and the city of
Los Banos.

Regulates underground storage tanks.

Merced County Environmental Health

Regulates hazardous material/waste storage facilities.

Oversees cleanup of leaking underground storage tank sites.

Oversees cleanup of hazardous waste sites with DTSC approval.

Implements the household hazardous waste program.

Regulates active and closed sanitary landfills.

Regulates and application of sludge pursuant to the County Sludge Ordinance.

Permits on-site sewage systems.

Permits septage haulers.

Enforces the County Solid Waste Ordinance.

Enforces the County Animal Confinement Ordinance.

Implements a cross-connection control program for 10 large water systems.

Maintains a list of all contamination site sin Merced County.

Maintains a map of showing groundwater contamination areas of Merced County.

Enforces medical waste regulations.

Item #2: Delineation of Wellhead Protection Areas

The plan recommends a 10-year wellhead capture zone for public water wells.

Item #3: Sources of Contamination

The sources and potential sources of contamination are identified in Section 2.

Item #4: Approaches to Protect Water Supplies

The plan requires strict enforcement of regulations potentially impacting groundwater quality by the appropriate regulatory agency, especially those activities that may be occurring within the 10-year capture zone.

Item #5: Contingency Plans

All large public systems have existing contingency plans for responding to contamination problems. The majority of small public water system only have one well and no backup source.

Item #6: Siting Criteria for New Wells

The plan recommends that the location of all new public wells be assessed by first identifying the 10-year capture zone. Once that is completed, existing contamination of potential contamination sources should be identified. If significant contamination sources exist, the well should not be constructed on the site. The well should meet the setback and construction requirements in the well ordinance. Adequate land use zoning practices must also be in place to protect the public water source.

Item #7: Public Awareness Program

The plan recommends the development of fact sheets, public meetings, press releases, phone hotlines, volunteer services, permitting and compliance assistance, and development of best management practice information.

Future Activities

The WHPP identifies the following major future activities:

- Formation of a countywide technical advisory committee for wellhead protection issues.
- Revision of the County Water Well Ordinance.
- Jurisdictions should revise zoning ordinances to allow for the review and approval of land uses within 10-year well capture zones for new wells.
- Develop a county cross-connection control program for irrigation wells.
- Submit the WHPP plan to DHS for consideration of the reduction or elimination of water sampling by public water systems.
- Consolidation of the on-site sewage system inspections under the DEH.
- All well ordinances within the county and adjacent to Merced County should be as consistent as possible and enforced uniformly.
- Submit the Wellhead Protection Program plan to the Merced County Board of Supervisors and the city councils for formal approval.



